

ALISE MALIKYAR
ROBERT JACOBSEN
P.O. Box 1386
Lafayette, CA 94549
Voice(925) 890-8619
Fax (407) 209-2126
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In Pro Per

FILED
00 JAN 31 AM 9:12
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALISE MALIKYAR, ROBERT JACOBSEN
Plaintiff

Vs.

JOHN SRAMEK, BERNADETTE SRAMEK,
HAROLD M. JAFFE, JOHN S. SRAMEK JR.
AND BERNADETTE D. SRAMEK
REVOCABLE LIVING TRUST And DOES 1-
100

Case No. C 07-03533 WHA

SECOND AMENDED COMPLAINT FOR:
DAMAGES,
DECLARATORY RELIEF,
INJUNCTIVE RELIEF,
18 USC §§ 2511 – ILLEGAL WIRETAPPING,
CONSPIRACY TO COMMIT ILLEGAL
WIRETAPPING,
THEFT, CONSPIRACY TO COMMIT THEFT
INVASION OF PRIVACY

DEMAND FOR JURY TRIAL

ALISE MALIKYAR (“MALIKYAR”) and ROBERT JACOBSEN (“JACOBSEN”) allege as follows:

JURISDICTION, VENUE, AND PARTIES

1. The unlawful actions of the defendants were committed in the State of California and in the judicial district of this Court.

2. Plaintiffs are California residents.

3. Plaintiffs are informed and believe that JOHN SRAMEK (“JS”) is a California resident.

4. Plaintiffs are informed and believe that BERNADETTE SRAMEK (“BS”) is a resident of

SECOND AMENDED COMPLAINT

1 California.

2 5. Plaintiffs are informed and believe that JOHN S. SRAMEK JR. AND BERNADETTE D.
3 SRAMEK REVOCABLE LIVING TRUST ("TRUST") is a California resident.

4 6. Plaintiffs are informed and believe that HAROLD JAFFE ("HJ") is a California resident.

5 FACTS

6 7. Plaintiffs are defendants in a lawsuit ("SUIT") in state court that has been brought by JS, BS,
7 TRUST & HJ against Plaintiffs. JS, BS & TRUST is represented by HJ. Said suit is stayed due to
8 JACOBSEN being in chapter 13 bankruptcy.

9 8. JACOBSEN was overseeing the sale of real property ("PROPERTY") owned by MALIKYAR.
10 Sale of the PROPERTY was being conducted in order to pay legal expenses associated with the SUIT.

11 9. Escrow ("ESCROW") of the PROPERTY was being handled by North American Title
12 Insurance Company ("NATIC").

13 10. The ESCROW of the PROPERTY was to conclude on Monday, April 30, 2007, going on
14 record the next day, Tuesday May 1, 2007.

15 11. On Friday, April 27, 2007, one business day before the close of escrow on the PROPERTY, JS
16 & BS filed a suit ("NEWSUIT") against Plaintiffs and COAST CAPITAL LTD ("CCL"). In said suit JS
17 & BS alleged the same facts in the NEWSUIT as they did in the SUIT.

18 12. On Friday, April 27, 2007, HJ, caused to be faxed ("FAX") to NATIC a Notice of Pending
19 Action ("NPA"), Exhibit 1. Said NPA had the effect of stopping the ESCROW. A copy of said FAX was
20 provided to Plaintiff.

21 13. On the cover page of the NPA is stated the Order number for the ESCROW. Said number is
22 not public information nor available on any website.

23 14. Subsequent to receiving the FAX, JACOBSEN contacted the parties who had access to the
24 Order Number of the ESCROW. JACOBSEN questioned them in an attempt to determine who had
25 disclosed the Order Number of the Escrow.

26 15. The first person questioned by JACOBSEN was Angel Avery ("AVERY"), the escrow officer

1 handling the ESCROW. AVERY informed JACOBSEN that neither AVERY nor NATIC had provided
2 the ESCROW information to parties not involved in the ESCROW. She further confided that business
3 had been very slow and she recalls every call on this escrow, and nobody had called, or walked in to their
4 office, asking for an escrow number. She also stated that it is contrary to company policy as well as their
5 fiduciary duty to disclose anything about an escrow to someone outside of the transaction, including that
6 there even is an escrow much less give them the escrow number.

7 16. JACOBSEN then questioned Stacy Adams ("ADAMS"), the listing agent for the PROPERTY,
8 to see if he had provided any information to parties not involved in the ESCROW. ADAMS confirmed to
9 JACOBSEN that he did not provide any ESCROW information to parties not involved in the ESCROW,
10 Exhibit 2. He is a one person office. He stated he had had no calls at all once the house went into
11 escrow.

12 17. JACOBSEN then questioned Paul Chastain ("CHASTAIN") to see if he had provided any
13 information to parties not involved in the ECROW. CHASTAIN is the real estate agent handling the sale
14 of the PROPERTY. CHASTAIN confirmed to JACOBSEN that he did not provide ESCROW
15 information to parties not involved in the ESCROW, Exhibit 3. He also confided that all calls regarding
16 this transaction would have been referred to him, and only him, and he stated that he didn't get anybody
17 asking about the escrow number or any other confidential details about this sale transaction. The escrow
18 number is tightly held confidential information. Releasing it to someone outside of the principals is
19 contrary to Coldwell Banker policy as it is a violation of fiduciary responsibility.

20 18. After speaking to all the parties involved in the transaction, JACOBSEN came to the
21 conclusion that HJ must have gained access to this confidential information via illegal means.

22 19. For several months the phones in the Tice Valley house seemed to have unusual static on it but
23 MALIKYAR and JACOBSEN never thought much about it. In light of the fact that HJ somehow
24 attained confidential information not available from any public source, and the brokers and title company
25 state emphatically that it could not have come from them, JACOBSEN decided to call the phone company
26 to have the phone lines checked for the static.

20. On May 5, 2007, JACOBSEN contacted his phone service provider AT&T, to see if they could determine what the static was from. AT&T dispatched a Mr. Spencer ("SPENCER") to check the phone lines of JACOBSEN & MALIKYAR. SPENCER discovered a recording device attached to the phone lines, page 3 of Exhibit 4.

21. On May 5, 2007, JACOBSEN contacted the Contra Costa County Sheriff's Department to report the recording device attached to JACOBSEN's phone lines. Deputy Burke was dispatched to take a report and collect the evidence. The police report is attached as Exhibit 4.

22. Officer Burke contacted HJ regarding the ESCROW number. Officer burke stated in his report that HJ was evasive in answering questions regarding the ESCROW number, page 2 of Exhibit 4.

FIRST CAUSE OF ACTION

(Violation of 18 U.S.C. § 2511 – ILLEGAL WIRETAPPING)

BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

23. Plaintiffs refer to the allegations of the preceding paragraphs of this complaint, and incorporate the same herein by this reference as though set forth in full.

24. On a date unknown to Plaintiffs, Defendants engaged in the illegal wiretapping of Plaintiffs' phone lines.

25. Proof of this illegal act was provided by HJ in the FAX sent to NATIC wherein HJ had the ESCROW number that was not publicly available.

26. Defendants did not receive the ESCROW number from NATIC or any of its' employees.

27. Defendants did not receive the ESCROW number from ADAMS.

28. Defendants did not receive the ESCROW number from CHASTAIN.

SECOND CAUSE OF ACTION

(Violation of 18 U.S.C. § 2511 – CONSPIRACY TO COMMIT ILLEGAL WIRETAPPING)

BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

29. Plaintiffs refer to the allegations of the preceding paragraphs of this complaint, and incorporates the same herein by this reference as though set forth in full.

30. Proof of this illegal act was provided by HJ in the FAX sent to NATIC wherein HJ had the ESCROW number that was not publicly available. All defendants conspired to commit illegal wiretapping in violation of 18 U.S.C. § 2511.

31. Defendants did not receive the ESCROW number from NATIC or any of its' employees.

32. Defendants did not receive the ESCROW number from ADAMS.

33. Defendants did not receive the ESCROW number from CHASTAIN.

THIRD CAUSE OF ACTION

(Invasion of Privacy)

BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

34. Plaintiffs refer to the allegations of the preceding paragraphs of this complaint, and incorporates the same herein by this reference as though set forth in full.

35. All defendants conspired to invade the privacy of MALIKYAR when they committed illegal wiretapping in violation of 18 U.S.C. § 2511.

36. Defendants did not receive the ESCROW number from NATIC or any of its' employees.

37. Defendants did not receive the ESCROW number from ADAMS.

38. Defendants did not receive the ESCROW number from CHASTAIN.

WHEREFORE, plaintiffs pray judgment against the defendants and each of them as follows:

1. For actual monetary damages according to proof, or in the alternative, damages in the amount of \$25,000,000;

2. For aggravated damages under 18 U.S.C. § 2511, in the amount of \$25,000,000;

3. For a preliminary and permanent injunction preventing the defendants and all persons acting in concert with them from the violation of 18 U.S.C. § 2511;

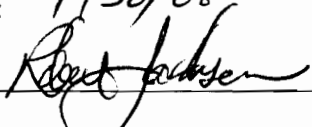
4. For an award of reasonable attorneys' fees and costs according to proof;

5. For costs of suit; and

6. For such other and further relief as this Court deems just and proper.

SECOND AMENDED COMPLAINT

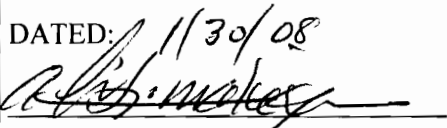
1 DATED: 1/30/08

2 

3 ROBERT JACOBSEN

4

5 DATED: 1/30/08

6 

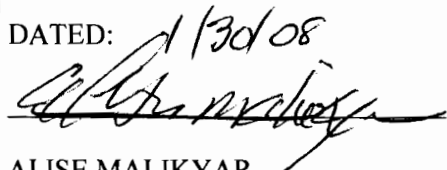
7 ALISE MALIKYAR

8

9 **DEMAND FOR JURY TRIAL**

10 Plaintiffs hereby demand a jury trial in the above-entitled matter.

11 DATED: 1/30/08

12 

13 ALISE MALIKYAR

14

15

16 DATED: 1/30/08

17 

18 ROBERT JACOBSEN

EXHIBITS LIST

1. NOTICE OF PENDING ACTION
2. LETTER FROM STACY ADAMS
3. LETTER FROM PAUL CHASTAIN
4. CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT POLICE REPORT

EXHIBIT 1

APR. 27. 2007 11:59AM

LAW OFFICES

NO. 363 P. 1

HAROLD M. JAFFE

Attorney at Law

3521 Grand Avenue

Oakland, California 94610

Telephone: (510) 452-2610 * Facsimile: (510) 452-9125

e-mail: hja@510@aol.com

TO: Angel Avery, Escrow Officer
FIRM: NORTH AMERICAN TITLE INSURANCE CO.
FAX NO: (925) 830-8810
TEL NO: (925) 830-8800

FROM: Gail Smith, Paralegal
DATE: April 27, 2007
RE: Sramek v. Jacobsen
Order No. 701806
Property: 3324 Tice Valley Blvd., Walnut Creek, CA

ENCL: See attached.

MESSAGE: Notice of Pending Action.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND DISCARD THE ORIGINAL MESSAGE. THANK YOU.

ORIGINAL BY MAIL Yes ☒ No
NO. OF PAGES 2 INCLUDING THIS COVER SHEET
IF THIS TRANSMISSION WAS INCOMPLETE OR UNREADABLE
PLEASE CALL BEVERLY AT (510) 452-2610

EXHIBIT 2

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 2

1 RECORDING REQUESTED BY:
HAROLD M. JAFFE, ESQ.
2 WHEN RECORDED MAIL TO:

3 HAROLD M. JAFFE, ESQ.
3621 Grand Avenue
4 Oakland, CA 94610

CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2007-0124537-00
Check Number
Friday, APR 27, 2007 09:20:18
MIC \$1.00 NOC \$5.00 REC \$10.00
FTC \$5.00
Tel Pd \$22.00 Nbr-0003590424
irc/RB/1-6

7 HAROLD M. JAFFE, ESQ.
8 CASB #67397
3621 Grand Avenue
9 Oakland, CA 94610
Tel: (510) 452-2810
10 Fax: (510) 452-9125

11 Attorney for Plaintiffs JOHN SRAMEK and BERNADETTE SRAMEK, individually and as Trustees
12 of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF CONTRA COSTA
UNLIMITED JURISDICTION

15 JOHN SRAMEK and BERNADETTE CASE No. C07 00844
16 SRAMEK, individually and as Trustees of the
John S. Sramek, Jr. and Bernadette D.
17 Sramek Revocable Living Trust, NOTICE OF PENDING ACTION
[CCP §405.2]

18 Plaintiffs,

19 vs.

20 ROBERT E. JACOBSEN, ALISE MALIKYAR,
COAST CAPITAL, LTD., a business form
21 unknown, and DOES 1 to 20, inclusive,

22 Defendants.
23

24 PLEASE TAKE NOTICE that the above-entitled action concerning and affecting real
25 property as described herein, was commenced on April 27, 2007, in the above-mentioned Court
26 by plaintiffs JOHN SRAMEK ("JOHN") and BERNADETTE SRAMEK ("BERNADETTE"),
27 individually, and as Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable
28 Living Trust (hereinafter collectively referred to as "the SRAMEKS" or "plaintiffs"), and against

1
NOTICE OF PENDING ACTION

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 3

1 ROBERT JACOBSEN ("JACOBSEN"), ALISE MALIKYAR ("MALIKYAR"), husband and wife, and
2 COAST CAPITAL, LTD. ("COAST CAPITAL").

3 The action is now pending in the above-named Court.

4 The action concerns real property situated in Walnut Creek, Contra Costa, California,
5 commonly known as 2324 Tice Valley Boulevard, Walnut Creek, California, and is more particularly
6 described in Exhibit A attached hereto (the "Property").

7 The object of plaintiffs' action is to impose an equitable lien on the Property.
8
9

10 DATED: April 26, 2007

Harold M. Jaffe
HAROLD M. JAFFE, ESQ., Attorney for Plaintiffs
JOHN SRAMEK and BERNADETTE SRAMEK,
individually and as Trustees of the John S. Sramek,
Jr. and Bernadette D. Sramek Revocable Living Trust

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 4

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
 County of ALAMEDA
 On 4/26/07 before me, BEVERLY A. BAKER NOTARY PUBLIC
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
 personally appeared HAROLD M. JAFFE
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Beverly A. Baker
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

DESCRIPTION OF ATTACHED DOCUMENT

NOTICE OF PENDING ACTION
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

4/26/07
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(ES)

SIGNER(S) OTHER THAN NAMED ABOVE

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 5

257656

Legal Description:

PARCEL ONE: PORTION OF THE RANCHO SAN RAMON, DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST LINE OF LOT 4 AS SHOWN ON THE MAP OF WALNUT CREEK PARK, FILED FEBRUARY 7, 1911, IN BOOK 1 OF MAPS, PAGE 84, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, AT THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE DEED FROM H.W. HABERLAND, ET UX, TO VICTOR MASSOLA, ET UX, RECORDED MARCH 19, 1955 (FILE NO. 30583); THENCE ALONG THE WEST LINE OF SAID LOT 4 AS FOLLOWS: NORTH 21 DEGREES 56 MINUTES EAST, 119.44 FEET; NORTH 23 DEGREES 08 MINUTES EAST, 84.3 FEET AND NORTH 60 DEGREES 11 MINUTES EAST, 16.33 FEET TO THE NORTH LINE OF THE 2 ACRE PARCEL OF LAND DESCRIBED IN THE DEED FROM KATE HENRY TO H.W. HABERLAND, ET UX, RECORDED AUGUST 29, 1918, IN BOOK 319 OF DEEDS, PAGE 467; THENCE ALONG SAID NORTH LINE SOUTH 83 DEGREES 53 MINUTES 07 SECONDS WEST, 210.87 FEET AND SOUTH 84 DEGREES 08 MINUTES 25 SECONDS WEST, 41.35 FEET; THENCE SOUTH 5 DEGREES 51 MINUTES 55 SECONDS EAST, 126.62 FEET; THENCE SOUTH 7 DEGREES 03 MINUTES 05 SECONDS WEST, 52.9 FEET TO THE NORTH LINE OF SAID MASSOLA PARCEL (FILE NO. 30583); THENCE NORTH 86 DEGREES 23 MINUTES 05 SECONDS EAST, ALONG SAID NORTH LINE, 175.11 FEET TO THE POINT OF BEGINNING. PARCEL TWO: RIGHT OF WAY GRANTED IN THE DEED TO WALTER CLARENCE HABERLAND, ET UX, RECORDED JUNE 6, 1955, BOOK 2547, OFFICIAL RECORDS, PAGE 366, AS FOLLOWS: 'A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS FOR WATER, GAS, OIL, AND SEWER PIPE LINES, AND FOR TELEPHONE, TELEVISION SERVICE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH THE NECESSARY POLES OR CONDUITS TO CARRY SAID LINES OVER A STRIP OF LAND 6 FEET IN WIDTH, THE EAST LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6 IN THE CENTER LINE OF THE CREEK TRAVERSING THE WESTERLY LINE OF SAID SUBDIVISION AND BEING A CORNER COMMON TO LOTS 4 AND 6 OF SAID SUBDIVISION; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE CENTER LINE OF SAID CREEK AND ALONG THE WESTERLY LINE OF SAID LOT 4, NORTH 21 DEGREES 56 MINUTES EAST, 10.66 FEET; THENCE SOUTH 86 DEGREES 23 MINUTES 05 SECONDS WEST 175.11 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED EAST LINE; THENCE FROM SAID POINT OF

EXHIBIT A

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 6

257656

BEGINNING, NORTH 7 DEGREES 03 MINUTES 05 SECONDS EAST, 52.9 FEET. PARCEL THREE: RIGHT OF WAY GRANTED IN THE DEED TO WALTER CLARENCE HABERLAND, ET UX, RECORDED JUNE 6, 1955, BOOK 2547, OFFICIAL RECORDS, PAGE 366, AS FOLLOWS: 'A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE, FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS, FOR WATER, GAS, OIL AND SEWER PIPE LINES, AND FOR TELEPHONE, TELEVISION SERVICE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH THE NECESSARY POLES AND CONDUITS TO CARRY SAID LINE OVER A STRIP OF LAND 12 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6 IN THE CENTER LINE OF THE CREEK TRAVERSING THE WESTERLY LINE OF SAID SUBDIVISION AND BEING A CORNER COMMON TO LOTS 4 AND 6 OF SAID SUBDIVISION; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE CENTER LINE OF SAID CREEK AND ALONG THE WESTERLY LINE OF SAID LOT 4, NORTH 21 DEGREES 56 MINUTES EAST, 10.66 FEET; THENCE SOUTH 86 DEGREES 23 MINUTES 05 SECONDS WEST, 175.11 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE FROM SAID POINT OF BEGINNING, SOUTH 7 DEGREES 03 MINUTES 05 SECONDS WEST, 90.69 FEET AND SOUTH 11 DEGREES 00 MINUTES 10 SECONDS EAST, 119.12 FEET TO THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM WILLIAM E. HAMPTON, ET UX, TO H.W. HABERLAND, ET UX, RECORDED MAY 31, 1945, IN BOOK 600 OF OFFICIAL RECORDS, PAGE 306.' PARCEL FOUR: 'THE RIGHT TO USE ANY BRIDGE OR BRIDGES NOW OR HEREAFTER LOCATED ON SAID PROPERTY, SAID RIGHT OF WAY TO BE USED IN CONJUNCTION WITH THE PARTIES OF THE SECOND PART, THEIR HEIRS OF ASSIGNS', AS RESERVED UNTO H.W. HABERLAND, ET UX, IN THE DEED FROM SAID H.W. HABERLAND, ET UX, TO EDMUND G. HAMPTON, ET UX, DATED OCTOBER 19, 1938, RECORDED NOVEMBER 3, 1937, IN BOOK 486, OF OFFICIAL RECORDS, PAGE 240. PARCEL FIVE: RIGHT OF WAY GRANTED IN THE DEED TO WALTER CLARENCE HABERLAND, ET AL, RECORDED NOVEMBER 3, 1955, BOOK 2642, OFFICIAL RECORDS, PAGE 420, AS FOLLOWS: 'A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE, FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS, AND AS A RIGHT OF WAY FOR WATER, GAS, OIL AND SEWER PIPE LINES AND FOR TELEPHONE, ELECTRIC LIGHT AND POWER LINES TOGETHER WITH THE NECESSARY POLES OR UNDERGROUND CONDUITS TO CARRY SAID LINES OVER AND UNDER A STRIP OF LAND 12 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERN TERMINUS OF THE CENTER LINE OF PARCEL THREE ABOVE; THENCE SOUTH 16 DEGREES 46 MINUTES 24 SECONDS EAST, 55.08 FEET, SOUTH 16 DEGREES 47 MINUTES 26 SECONDS EAST, 58.29 FEET, SOUTH 26 DEGREES 18 MINUTES 21 SECONDS EAST, 93.22 FEET, SOUTH 19 DEGREES 38 MINUTES 21 SECONDS EAST, 53.10 FEET, SOUTH 4 DEGREES 31 MINUTES 10 SECONDS WEST, 143.64 FEET AND SOUTH 27 DEGREES 20 MINUTES EAST, 75.17 FEET TO THE CENTER LINE OF RIDGE ROAD, ALSO KNOWN AS TICE VALLEY BOULEVARD. THE EASTERN AND WESTERN LINES THEREOF TO BE LENGTHENED OR SHORTENED TO EXTEND FROM THE EXTERIOR LINES OF SAID PARCEL THREE TO THE CENTER LINE OF RIDGE ROAD.'

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 7

PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 3521 Grand Avenue, Oakland, CA 94610.

On the date herein below stated, I served the within document(s):

~NOTICE OF PENDING ACTION

by facsimile transmission on said date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), facsimile number (510) 462-9125. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is in sender's file. The names and facsimile numbers of the person(s) served are as set forth below.

XX by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage prepaid for deposit in the United States mail at Oakland, California, pursuant to CCP §§1013a(3), addressed as set forth below. **Certified Mail Return Receipt Requested**

by depositing in a box or similar facility maintained by: ☐ United Parcel Service; ☐ Federal Express; ☐ DHL Worldwide Express; an express mail service carrier, in an envelope designated by said express service carrier, with delivery fees paid or provided for, pursuant to CCP §1013(c), addressed as set forth below.

by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

ROBERT JACOBSEN
2324 Tice Valley Blvd.
Walnut Creek, CA 94595

ROBERT JACOBSEN
2304 Sky Harbor Drive
Plano, TX 75023

ALISE MAILKYAR
2324 Tice Valley Blvd.
Walnut Creek, CA 94595

ALISE MAILKYAR
1623 Streams Way
Allen, TX 75002-0911

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on April 27, 2007, at Oakland, California.


BEVERLY BAKER

APR. 27. 2007 12:00PM

LAW OFFICES

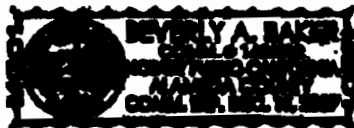
NO. 369

P. 4

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
 County of FLAMINGO
 On 4/26/07 before me, BEVERLY A. BAKER Notary Public
 personally appeared HAROLD M. JAFFE

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Beverly A. Baker
 Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

☐ PARTNER ☐ LIMITED GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER

SIGNER IS REPRESENTING:
 (Name of Person or Entity)

DESCRIPTION OF ATTACHED DOCUMENT

NOTICE OF PENDING ACTION
 TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

4/26/07
 DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

APR. 27. 2007 12:00PM

LAW OFFICES

NO. 363 P. 7

PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 3821 Grand Avenue, Oakland, CA 94610.

On the date herein below stated, I served the within document(s):

-NOTICE OF PENDING ACTION

by facsimile transmission on said date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2008(3), facsimile number (510) 452-9125. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is in sender's file. The names and facsimile numbers of the person(s) served are as set forth below.

XX by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage prepaid for deposit in the United States mail at Oakland, California, pursuant to CCP §1013a(3), addressed as set forth below. Certified Mail Return Receipt Requested

by depositing in a box or similar facility maintained by: ☐ United Parcel Service; ☐ Federal Express; ☐ DHL Worldwide Express; an express mail service carrier, in an envelope designated by said express service carrier, with delivery fees paid or provided for, pursuant to CCP §1013(b), addressed as set forth below.

by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

ROBERT JACOBSEN
2224 Tice Valley Blvd.
Walnut Creek, CA 94596

ROBERT JACOBSEN
2204 Gay Harbor Drive
Ft. Worth, TX 76103

ALISE MAILKYAR
2224 Tice Valley Blvd.
Walnut Creek, CA 94596

ALISE MAILKYAR
1525 Streams Way
Allen, TX 75009-0911

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on April 27, 2007, at Oakland, California.

Beverly Baker
BEVERLY BAKER

EXHIBIT 2

Realty Services Network
1327 N Main St. - Ste 111
Walnut Creek, CA 94596

Alise Matkyar
2324 Tice Valley Blvd.
Walnut Creek, CA 94595

May 5th, 2007

Alise,

This letter is to confirm our conversation of earlier today. Regarding the sale of your property located at 2324 Tice Valley Blvd., I have never released the name of the escrow company or the escrow number to anyone not involved in your sale. The only persons I have discussed this information with are the employees at the escrow company, yourself and your husband on the telephone.

I have been a Real Estate broker since 1986. My understanding is that there are no third party sources for obtaining the name of an escrow company or an escrow number.

Please do not hesitate to call me if you have any additional questions.



Stacy Adams

925-930-9900 office

EXHIBIT 3

Subj: Confidentiality
Date: 5/7/2007 2:50:45 PM Pacific Daylight Time
From: paul@paulchastain.com
To: rejacobsen@aol.com

Paul Chastain

Making Clients For Life

Bob,

In response to your question, I have a strict policy of confidentiality regarding any information on any of my escrows including the escrow number. Other than people involved in the escrow such as a lone broker or escrow coordinator who must have escrow information to process the transaction, I would never share escrow information with anyone. Whats more, I have never been asked for escrow information from anyone outside the appropriate parties in my carreer, as far as I can remember.

Paul Chastain

Paul Chastain

Search for homes at:

www.paulchastain.com

Coldwell Banker

Mobile: 925-788-7545

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EXHIBIT 4



THE COUNTY OF
CONTRA COSTA

T. Burke

VALLEY STATION

150 Alamo Plaza #C
Alamo, CA 94507-1550
Emergency #911

Non-Emergency 646-2441
Valley Station Business 837-2902

07-11799

WARREN E. RUPF
Sheriff

7/7/07

☒ Face Page
☐ Continuation
☐ Supplemental

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0070000
P.O. Box 301, Martinez, California 94533-0031

Seat 12

☐ O.V. ☐ HRO ☐ Arrest ☐ SI

1. CR No. 07-11799		2. City Code VAL20		3. Crime/Classification Other Felony (1700)		4. Detail 1. 631PC 2. 632PC		5. More Persons <input type="checkbox"/>			
6. Day / Date / Time of Occurrence MON. 5-7-07, 1230 HRS.				7. Date / Time Reported 5-7-07 / 1255 HRS.		8. Employee No. 40140					
10. Address / Location of Occurrence SIDE OF 2324 TICE VALLET BLVD. WALNUT CREEK CA.											
11. <input checked="" type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUB <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
12. Name (L, F, M) JACOBSEN, ROBERT E.					13. Race / Sex / Age W / M / 59		14. DOB 4-17-48		15. Driver License No. Z1907461		
16. Address (Zip Code) 2324 TICE VALLEY BLVD. WALNUT CREEK CA. 94595							17. Home Phone 210-1167				
18. Employed By or School SELF							19. Work Phone CELL-890-8619				
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUB <input checked="" type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
29. Name (L, F, M) SPENCER, JAMES O					30. Race / Sex / Age U / F / 33		31. DOB		32. Driver License No.		
33. Address (Zip Code) 2745 CLOVERDALE AVE CONCORD CA. 94518							34. Home Phone				
35. Employed By or School							36. Work Phone				
37. Hair		38. Eyes		39. Ht.		40. Wt.		41. AKA / Maiden Name		42. Social Security No.	
43. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										44. Booking or Cite No.	
45. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUB <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
46. Name (L, F, M) JAFJE, HAROLD M.					47. Race / Sex / Age W / M / 59		48. DOB		49. Driver License No.		
50. Address (Zip Code) 3521 GRAND AVE OAKLAND CA. 94610							51. Home Phone				
52. Employed By or School							53. Work Phone				
54. Hair		55. Eyes		56. Ht.		57. Wt.		58. AKA / Maiden Name		59. Social Security No.	
60. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										61. Booking or Cite No.	
62. <input type="checkbox"/> VEH <input type="checkbox"/> VEH <input type="checkbox"/> VEH										63. Lic No. (State) N.A.	
64. Year		65. Make		66. Model		67. Body Style		68. Color Top Bottom		69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored	
70. Registered Owner				71. R.O. Address				72. Towed to or Released to			
73. Who has Keys?				74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No				75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No			
76. Dispo of Evidence VALLEY EVIDENCE				77. Missing NONE				78. Damaged NONE			
79. Brief Synopsis of Incident REPORT CONCERNS PRI-JACOBSEN FINDING A RECORDING DEVICE CONNECTED TO HIS ATT TELEPHONE LINE AT HIS HOME ON THIS DATE. THE DEVICE WAS PLACED INTO VALLEY EVIDENCE AND THREE PHOTOS TAKEN OF THE DEVICE AND SCENE. REQUEST THE CRIME LAB PRINT THE SUBMITTED DEVICE.											
80. Distribution <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input checked="" type="checkbox"/> V <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> JUV <input type="checkbox"/> Coroner <input type="checkbox"/> Property Clk. <input checked="" type="checkbox"/> ACS <input type="checkbox"/> Intell <input type="checkbox"/> R.O. <input type="checkbox"/> SHC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Compl. Off. <input type="checkbox"/> Marine Patrol <input type="checkbox"/> DV Unit <input type="checkbox"/> Other											
81. Additional Routing											
82. Reporting Deputy (Print) T. BURKE						83. Date/Time Written 5-7-07 / 1500 HRS.			84. Dispo SUS		
85. Approving Supv (Print) Sgt. Andre Charles						86. Supv No. 42268			87. Date 5/9/2007		
88. 1 of 3											

☒ Continuation

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0070000

P.O. Box 381, Martinez, CA 94553-0038

Seal 12

☐ Supplemental☐ D.V. ☐ HRO ☐ Arrest ☐ SI

1. DR No. 07-11799	2. City Code VAL20	3. Crime / Classification Other Felony (1700)	4. Detail 1. 637PC 2. 632PC	5. Reclassification <input type="checkbox"/>
6. Victim Name (L.F.M.) JACOBSEN, ROBERT E.		7. Date Orig. Report 5-7-07	8. Employee No. 40140	
9. Address / Location of Occurrence SIDE OF 2324 TICE VALLEY BLVD. WALNUT CREEK CA.		10. Suspect's Name (L.F.M.) JAFKE, HAROLD M.		

11. Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value. Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency; B) Jewelry; C) Firearms; D) Vehicles; E) Office Equipment; F) Radio, TV's etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property \$

13. Narrative / Statements

V-JACOBSEN TOLD ME HE CALLED ATT PHONE SERVICE ON THIS DATE TO REPORT STATIC AND CLICKING ON HIS HOME PHONE LINE AT 2324 TICE VALLEY BLVD IN WALNUT CREEK, 925-210-1167. JACOBSEN SAID L-SPENCER FOUND SPEAKER WIRE CONNECTED TO THE INSIDE OF THE ATT PHONE BOX ON THE HOUSE THAT RAN ABOUT 60 FEET INTO THE BRUSH TO THE DRIVEWAY EDGE WHERE THE WIRE WENT INTO A WHITE PLASTIC CASE CONTAINING A SONY TAPE RECORDER. JACOBSEN DID NOT SEE OR HEAR ANYONE NEAR HIS HOUSE.

JACOBSEN TOLD ME HE BELIEVES S-JAFFE IS INVOLVED BECAUSE OF A REAL ESTATE CIVIL LAW SUIT PENDING TRIAL THAT IS GOING ON BETWEEN THEM. JACOBSEN SAID HE HAD SPOKEN ON THE PHONE WITH HIS ATTORNEY GIVING HIM AN ESCROW NUMBER WHICH WAS NAMED THE NEXT DAY BY JAFFE IN FILED COURT PAPERS. JACOBSEN SAID THERE WAS NO WAY FOR JAFFE TO KNOW THAT NUMBER AND OTHER PRIVATE INFORMATION LEAKED DURING THE LAST WEEK. ON 5-8-07 JACOBSEN TOLD ME BY PHONE THE COURT HAD NOTIFIED HIS ATTORNEY THAT NO WIRE TAP HAD BEEN AUTHORIZED BY THE COURT IN THIS COUNTY.

L-SPENCER WORKS FOR ATT.

SPENCER TOLD ME HE HAD BEEN CALLED BY JACOBSEN ON A REPORT OF CLICKING AND STATIC ON HIS HOME PHONE AT 2324 TICE VALLEY BLVD, IN WALNUT CREEK. ON ARRIVAL SPENCER SAW SPEAKER WIRE COMING FROM INSIDE THE ATT PHONE BOX ON THE HOUSE. SPENCER FOLLOWED THE WIRE ALONG THE ATT LINE ABOUT TEN FEET WHERE IT DROPPED TO THE GROUND TRAVELING ABOUT 50 FEET THROUGH THE BRUSH TO THE EDGE OF JACOBSEN'S DRIVEWAY. HERE, SPENCER NOTICED A WHITE PLASTIC, WATER TIGHT BOX ABOUT EIGHT INCHES LONG AND FOUR INCHES WIDE. SPENCER OPENED THE BOX AND FOUND THE WIRE CONNECTED TO A PHONE CONNECTION AND THEN TO A SONY TAPE RECORDER. SPENCER TOLD ME HE CONTACTED HIS SUPERVISOR ABOUT THE DEVICE ASKING HIM TO CHECK IF THE ASSET PROTECTION DIVISION HAD A RECORD OF A COURT ORDERED WIRE TAP ON JACOBSEN'S PHONE. ON 5-9-07 SPENCER CONTACTED ME BY PHONE TELLING ME ATT HAS NO RECORD OF AN AUTHORIZED WIRE TAP THAT IS REQUIRED BY LAW.

I SPOKE TO S-JAFFE BY PHONE ON 5-8-07 AT ABOUT 0730 HRS..

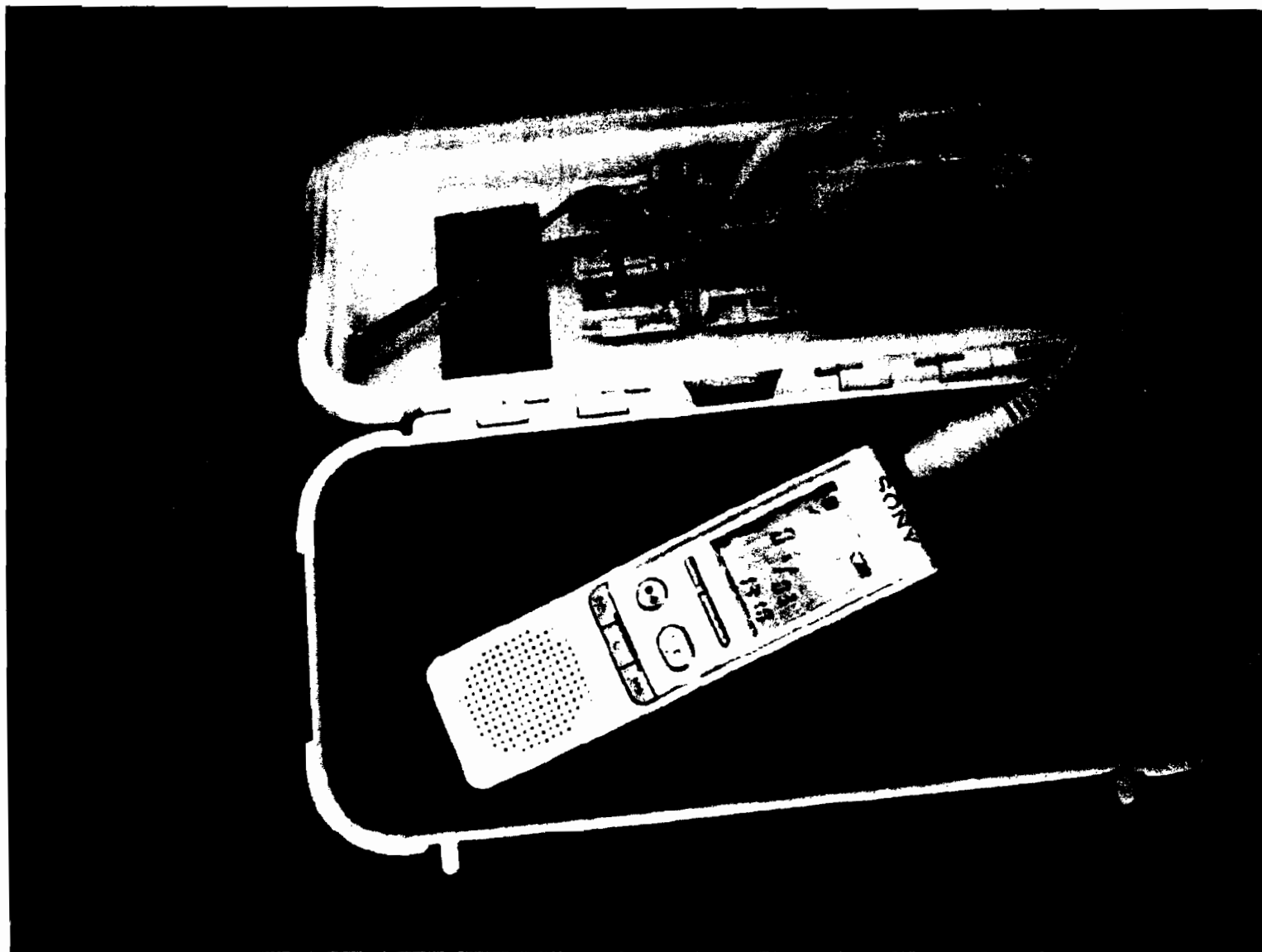
I ASKED JAFFE IF HE KNEW ANYTHING ABOUT A RECORDING DEVICE HOOKED INTO JACOBSEN'S PHONE LINE. JAFFE WOULD NOT ANSWER MY QUESTION, BUT REPLIED THAT HE HAS AN ON GOING CIVIL SUIT AGAINST JACOBSEN. JAFFE WOULD NOT GIVE ME ANY OTHER INFORMATION AND WAS EVASIVE.

REQUEST THE CRIME LAB PRINT THE EVIDENCE SUBMITTED.

EVIDENCE: ONE WHITE, PLASTIC, WATER TIGHT CONTAINER WITH A SILVER COLOR, SONY TAPE RECORDER INSIDE WITH WIRES.

CONFIDENTIAL
MAY 25 2007

14. Distribution <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input checked="" type="checkbox"/> V <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> Juv <input type="checkbox"/> Coroner <input type="checkbox"/> Property Clk. <input checked="" type="checkbox"/> ACS <input type="checkbox"/> Intell. <input type="checkbox"/> R.O. <input type="checkbox"/> SHC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Compt. Ofc. <input type="checkbox"/> Marine Patrol <input type="checkbox"/> DV Unit <input type="checkbox"/> Other		15. Additional Routing	
16. Reporting Deputy (Print) T. BURKE		17. Date/Time Written 5-7-07 / 1500 HRS.	
18. Approving Supv (Print) Sgt. Andre Charles		19. Supv No. 42268	
20. Date 5/9/2007		21. Page 2 of 3	



MAY 2 5



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